

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

CHAMBERS OF
BETH P. GESNER
UNITED STATES MAGISTRATE JUDGE

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April 29, 2003

RE: Carroll, et al. v. Martin, et al., MJG-02-2084

MEMORANDUM FOR COUNSEL

Dear Counsel:

This case has been referred to me for the resolution of discovery disputes. Currently pending are Plaintiffs' Motion to Compel Deposition Responses From Defendant and Defendants' Response thereto. (Paper Nos. 16 and 19).

When plaintiffs did not timely file a reply to the defendants' response, I sent a letter dated April 17, 2003 in which I noted my view that the attorney work product doctrine governed the ongoing discovery dispute and invited plaintiffs to file a reply by April 23rd addressing that doctrine. Plaintiffs have not filed any reply. Pursuant to Federal Rule of Civil Procedure 26(b)(3), a party may obtain material protected by the work product doctrine only upon a showing of substantial need and an inability to obtain the substantial equivalent of the material without undue hardship. Despite being given ample opportunity, plaintiffs have not attempted to carry that burden. Accordingly, plaintiffs' Motion to Compel Deposition Responses from Defendant (Paper No. 16) is denied.

Despite the informal nature of this letter, it shall constitute an Order of Court, and the clerk is directed to docket it accordingly.

Sincerely,

/s/

Beth P. Gesner
United States Magistrate Judge